

rotatable, translating jaw, and that the rejected claims were allowable over the reference, as discussed further herein.

Claims 2, 4, 21, 22, 24 and 25 were rejected under 35 U.S.C. § 102(e) as anticipated by United states Patent No. 6,267,211, issued to Heintzmann et al. in 2001.

Heintzmann et al. describes a drive unit for mining machinery, whereas Applicants' invention relates to a park brake. The rejection points to jaw tooth clutch 7 in Fig. 1 of Heintzmann et al. Clutch 7 is located in a shaft driven by motor 3. It is an essential feature of the drive unit that the shaft rotates, including sections on both sides of the clutch. In contrast, Applicants have invented a brake apparatus and provide a translating jaw that is non-rotatable and effective to lock the shaft against rotation. The drive unit in Heintzmann et al. provides braking by means of brakes jaws 12, and so does not use jaw clutch 7 to lock the shaft. Thus, Heintzmann et al. does not anticipate, or even suggest, Applicants' invention.

Claim 2 is directed to Applicants' brake apparatus comprising jaw-tooth clutch means that includes a translating jaw connected to the housing for non-rotatable translation along the axis. Heintzmann et al. shows a conventional clutch disposed in a shaft, wherein both jaws are rotatable. In accordance with the claim, the jaw-tooth clutch locks the shaft against rotation. The jaw clutch in Heintzmann et al. does not lock the shaft. Thus, the drive unit in Heintzmann et al. does not teach or suggest Applicants' brake apparatus in claim 2.

Claim 4 is also directed to Applicants' brake apparatus and calls for a translating jaw that is operatively connected to the housing for non-rotatable translation, for locking the shaft against rotation, like in claim 2. As above, the clutch in Heintzmann et al. does not lock the shaft against rotation, or include a non-rotatable jaw for this purpose. Thus, Heintzmann et al. does not teach or suggest the apparatus of claim 4.

Claim 21 is directed to Applicants' method that includes operatively connecting a translating jaw to a housing for non-rotatable translation into engagement with the rotating jaw. For the reasons above, Heintzmann et al. does not provide a non-rotatable jaw, and so does not teach or suggest the method of claim 21.

Claim 24 is also directed to Applicants' method that recites, like claim 21, operatively connecting a translating jaw to a housing for non-rotatable translation into engagement with the rotating jaw, and so is also not taught or suggested by Heintzmann et al.

Claims 22 and 25 are dependent upon claims 21 and 24, respectively, and not taught or suggested by Heintzmann et al. for the reasons set forth with regard to those claims.

Accordingly, it is respectfully requested that the rejection of claims 2, 4, 21, 22, 24, and 25 based upon Heintzmann et al. be reconsidered and withdrawn, and that the claims be allowed.

Conclusion

Claims 5-17 were indicated as allowable, but objected to as depending from rejected claim 4. For the reasons herein, it is believed that claim 4 is allowable, and it is requested that the objection be withdrawn.

If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,



Douglas D. Fekete
Reg. No. 29,065
Delphi Technologies, Inc.
Legal Staff – M/C 480-410-202
P.O. Box 5052
Troy, Michigan 48007-5052

(248) 813-1210